

# HOUSE BILL No. 1329

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10.

**Synopsis:** Public safety officer survivor insurance. Requires the employer of a public safety officer who dies in the line of duty to provide and pay for health coverage for the officer's survivors.

**Effective:** July 1, 2009.

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January 13, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1329

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 5-10-8-2.2, AS AMENDED BY P.L.3-2008,  
2       SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 2.2. (a) As used in this section, "dependent"  
4       means a natural child, stepchild, or adopted child of a public safety  
5       employee who:  
6               (1) is less than eighteen (18) years of age;  
7               (2) is at least eighteen (18) years of age and has a physical or  
8               mental disability (using disability guidelines established by the  
9               Social Security Administration); or  
10              (3) is at least eighteen (18) and less than twenty-three (23) years  
11              of age and is enrolled in and regularly attending a secondary  
12              school or is a full-time student at an accredited college or  
13              university.  
14       (b) As used in this section, "public safety employee" means a  
15       full-time firefighter, police officer, county police officer, or sheriff.  
16       (c) This section applies only to local unit public employers and their  
17       public safety employees.

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(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:

- (1) By purchasing policies of group insurance.
- (2) By establishing self-insurance programs.
- (3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) ~~After June 30, 1989,~~ A local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

- (1) Retired public safety employees.
- (2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- (3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A public safety employee who is retired or has a disability and is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

- (1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and
- (3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect

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to pay any part of the person's premiums).

(i) Except as provided in **IC 5-10-14**, IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

(1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or ~~dependents'~~ **dependent's** premiums).

(j) The eligibility for group health insurance under this section for a public safety employee who is retired or has a disability ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) The date of the surviving spouse's remarriage.

(4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

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(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 5-10-14-1, AS ADDED BY P.L.24-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from an action that ~~an employee~~; **a public safety officer**, in the ~~employee's public safety officer's~~ capacity as ~~an employee~~; **a public safety officer**, is obligated or authorized to perform by rule, regulation, law, or condition of employment. **For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13.**

SECTION 3. IC 5-10-14-2, AS ADDED BY P.L.24-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "~~employee~~" means an individual who is employed full time by the state as a state police officer. "**employer**" refers to the:

- (1) state agency;
- (2) political subdivision; or
- (3) state educational institution;

**that employs a public safety officer.**

SECTION 4. IC 5-10-14-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.4. As used in this chapter, "**political subdivision**"

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has the meaning set forth in IC 6-3.5-2-1.

SECTION 5. IC 5-10-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. As used in this chapter, "public safety officer" means an individual who is employed by the state or a political subdivision of the state as:**

(1) a member of a fire department (as defined in IC 36-8-1-8), other than a member described in:

- (A) IC 36-8-7-12.3(g);
- (B) IC 36-8-7-12.4(j);
- (C) IC 36-8-8-13.9(d); or
- (D) IC 36-8-8-14.1(h);

(2) a member of a police department (as defined in IC 36-8-1-9), other than a member described in:

- (A) IC 36-8-6-9.7(f);
- (B) IC 36-8-6-10.1(h);
- (C) IC 36-8-7.5-13.7(h);
- (D) IC 36-8-7.5-14.1(i);
- (E) IC 36-8-8-13.9(d); or
- (F) IC 36-8-8-14.1(h);

(3) a correctional officer (as defined in IC 5-10-10-1.5);

(4) an excise police officer;

(5) a conservation enforcement officer;

(6) a gaming control officer of the Indiana gaming commission;

(7) a town marshal;

(8) a deputy town marshal;

(9) a state police officer;

(10) a county police officer, other than an officer described in IC 36-8-10-16.5;

(11) a county sheriff, other than a sheriff described in IC 36-8-10-16.5;

(12) a member of a police department of a state educational institution;

(13) a county police reserve officer;

(14) a city police reserve officer;

(15) a probation officer; or

(16) an emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision; and

(B) not a member of a fire department (as defined in IC 36-8-1-8) or a member of a police department (as

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defined in IC 36-8-1-9).

SECTION 6. IC 5-10-14-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.7. As used in this chapter, "state educational institution" has the meaning set forth in IC 21-7-13-32.**

SECTION 7. IC 5-10-14-3, AS AMENDED BY P.L.99-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) ~~If the state police department offers health coverage for active employees, the state police department~~ **After June 30, 2009, the employer of a public safety officer who dies in the line of duty** shall offer to provide and pay for health coverage ~~under the health coverage plan provided for active employees~~ for:

(1) the surviving spouse; and

(2) each natural child, stepchild, and adopted child;

~~of an employee who dies in the line of duty; the public safety officer,~~ regardless of whether the death occurs before July 1, ~~2005; 2009~~, or on or after July 1, ~~2005; 2009~~.

(b) The health coverage for a surviving natural child, stepchild, or adopted child provided under subsection (a) continues:

(1) until the child becomes eighteen (18) years of age;

(2) if the child is:

(A) enrolled in and regularly attending a secondary school; or

(B) a full-time student at an accredited college or university;

until the child becomes twenty-three (23) years of age; or

(3) if the child has a physical or mental disability, until the end of the physical or mental disability;

whichever period is longest.

(c) ~~If the state police department~~ **An employer** offers health coverage to ~~the employer's active employees; public safety officers,~~ the health coverage that the ~~state police department employer~~ provides to a surviving spouse or a natural child, a stepchild, or an adopted child under this section must be equal to that offered to active ~~employees;~~ **public safety officers.**

(d) ~~The state police department's~~ **An employer's** offer to provide and pay for health coverage under subsection (a) must remain open as long as: ~~the state police department continues to offer the health coverage for active employees; and:~~

(1) a surviving spouse is eligible for the health coverage under subsection (a); or

(2) a natural child, a stepchild, or an adopted child is eligible for the health coverage under subsections (a) and (b).

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